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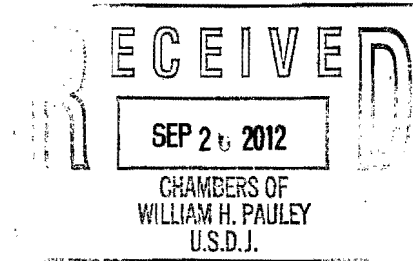
Philadelphia
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Mark R. Rosen
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September 25, 2012

Via Hand Delivery

Honorable William H. Pauley, III
United States District Court
for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312



**Re: Pennsylvania Public School Employees' Retirement System v.
Bank of America Corp., et al., Civil Action No. 11-cv-00733-WHP**

Dear Judge Pauley:

Your Honor has scheduled a pre-motion conference in this matter for October 3, 2012 to consider defendants' request to file motions to dismiss the amended complaint. Pursuant to Your Honor's Individual Practices, Lead Plaintiff respectfully requests that the Court also consider at the October 3 conference whether Lead Plaintiff may file an unopposed motion for limited relief from the discovery stay imposed by the Private Securities Litigation Reform Act of 1995 ("PSLRA") to serve document-preservation subpoenas on certain nonparties requiring them to preserve relevant documents until the lifting of the discovery stay upon the resolution of all motions to dismiss. The motion is necessary to mitigate the real risk that nonparties may otherwise lose or discard evidence that is relevant to Lead Plaintiff's claims against Bank of America in this litigation. *In re Smith Barney Transfer Agent Litig.*, No. 05 Civ. 7583(WHP), 2012 WL 1438241, *3 (S.D.N.Y. April 25, 2012) (citing *In re Refco Inc.*, No. 05 CIV 8628, 2006 WL 2337212, *5 (S.D.N.Y. Oct. 14, 2005).

Counsel for Bank of America has advised us that they do not oppose our request for limited relief from the stay of discovery in order to serve document preservation subpoenas on nonparties. We therefore respectfully request Your Honor's permission to file an uncontested motion for limited relief from the PSLRA's stay of discovery. Thank you for your consideration of this request.

Application granted.

SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.

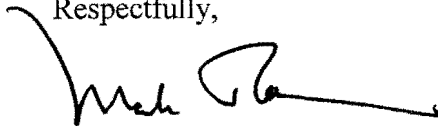
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BR&B

Barrack, Rodos & Bacine

Honorable William H. Pauley, III
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Respectfully,

A handwritten signature in black ink, appearing to read 'Mark R. Rosen', with a long horizontal stroke extending to the right.

Mark R. Rosen

MRR:rpb

cc: Jay B. Kasner, Esquire
Christopher P. Malloy, Esquire
Scott D. Musoff, Esquire
(All Via Hand Delivery)